

In the Matter of )  
Expanding the Economic and Innovation ) Docket No. 12-268  
Opportunities of Spectrum )  
Through Incentive Auctions )

November 8, 2013

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November 8, 2013

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth St, S.W.  
Washington, DC 20554

Re: *Expanding the Economic and Innovation Opportunities of Spectrum Through  
Incentive Auctions, GN Docket No. 12-268*

Dear Ms. Dortch:

The [LPTV Spectrum Rights Coalition](#) represents FCC broadcast licensee members holding more than 580 LPTV licenses and construction permits in 31 states, and is a cross-section of the 6400+ LPTV holders, nearly evenly split between licensed LPTV digital TV stations, construction permits, and TV translator facilities. We number over a 100 private and public organizations, and collectively Coalition members air hundreds of local and national culturally diverse channels of content, reaching over 50 million viewers.

The Coalition is notifying you of an ex parte conversation the Director of the Coalition, Mike Gravino, had with FCC Chairman Tom Wheeler, during the Spectrum Auction Unlicensed Spectrum LEARN session on November 8, 2013, and a subsequent email communication. A copy of that email is below:

“Mr. Chairman:

As I mentioned in the hallway this morning, LPTV licensees, including our TV translator cousins, need a LEARN session of our own. We are 74% of all FCC broadcast television licenses, we will be the most affected party in the auction process since we have a collective \$1 billion unfunded mandate to move channels and are not allowed to sell in the forward auction, and we are being squeezed for the remaining channel space by the unlicensed users. Further, we are being denied flexible use service waivers so that we can deploy today new transmission systems for broadband solutions. And our business model is not allowed to prosper since we do not have MVPD carriage rights or mandated rights to negotiate retransmission fees.

I asked the Auction Task Force early this past summer for an LPTV LEARN session and they said there was not time. I petitioned the Acting Chairman's office but they did not schedule a session. So now we request that you intervene. All we want before the rule making is made is for our part of the broadcast industry to be able to share in an open forum how the auction process will affect us, both good and bad.

This is not about LPTV being able to be auction eligible. Although if we were, we would provide substantial competition in the forward auction, and help to lower the price the government has to pay for the spectrum. We estimate the savings to the government to be around \$5 billion! We know unless the FCC goes back to Congress and asks for LPTV to be in the auction that will not happen.

What we want to show, and would have shown today in the unlicensed spectrum LEARN session is that there are enough LPTV licensees and construction permits outstanding that there will be no room in the top 50 DMA for a large unlicensed band. LPTV licensees already have the right of displacement and we can move in to fill up the remaining spectrum. But this fact was not able to be heard in the session.

So I urge you to request that the Auction Task Force talk with the Coalition and other LPTV parties to schedule an LPTV LEARN session before the rule making is made.”

Respectfully submitted,

Mike Gravino  
Director